

**UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA**

CHERYL WILLIAMS,

Plaintiff

V.

VISION FINANCIAL CORP.,

Defendant

**Case No.:**

## COMPLAINT AND DEMAND FOR JURY TRIAL

## COMPLAINT

CHERYL WILLIAMS (“Plaintiff”), by and through her attorneys,  
KIMMEL & SILVERMAN, P.C., alleges the following against VISION  
FINANCIAL CORP (“Defendant”):

## INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant 28 U.S.C. § 1331 which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant has an office and conducts business in the Commonwealth of Pennsylvania and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

## PARTIES

5. Plaintiff is a natural person residing in Tarentum, Pennsylvania 15084.

6. Plaintiff is a “consumer” as that term is defined in 15 U.S.C. §1692a(3), as he is a natural person allegedly obligated to pay a debt.

7. In the alternative, Plaintiff is a person granted a cause of action under the FDCPA. See 15 U.S.C. §1692k(a) and Wenrich v. Cole, 2000 U.S. Dist. LEXIS 18687 (E.D. Pa. Dec. 22, 2000).

8. Defendant, VISION FINANCIAL CORP., is a national debt collection company with its principal place of business located at 4 W. Red Oak Lane, Suite 302, White Plains, New York 10604.

9. Defendant collects, and attempts to collect, consumer debts incurred, or alleged to have been incurred, for personal, family or household purposes on behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

10. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692a(6), in that Defendant held themselves out to be a company collecting a consumer debt from Plaintiff.



1 Defendant failed to send Plaintiff written notification of her rights to dispute the  
2 debt and/or to request verification, as well as her right to request the name and  
3 address of the original creditor.

4  
5 **DEFENDANT VIOLATED THE  
FAIR DEBT COLLECTION PRACTICES ACT**

6 **COUNT I**

7  
8 19. Defendant's conduct, as detailed in the preceding paragraphs, violated  
9 15 U.S.C. § 1692d.

10 a. A debt collector violates § 1692d of the FDCPA by engaging in  
11 conduct of the natural consequence of which is to harass,  
12 oppress, or abuse any person in connection with the collection  
13 of a debt.

14  
15 b. Here, Defendant violated § 1692d of the FDCPA by  
16 continuously contacting Plaintiff multiple times a week, and at  
17 times more than once a day, on her cellular telephone.

18  
19 **COUNT II**

20 20. Defendant's conduct, detailed in the preceding paragraphs, violated 15  
21 U.S.C. §1692g(a).

22  
23 a. A debt collector violates § 1692g(a) of the FDCPA by failing  
24 to send to the consumer, within five days after its initial  
25 communication with a consumer in connection with the

1 collection of a debt, a written notice containing: (1) the amount  
2 of the debt; (2) the name of the creditor to whom the debt is  
3 owed; (3) a statement that unless the consumer, within thirty  
4 days after receipt of the notice, disputes the validity of the debt,  
5 or any portion thereof, the debt will be assumed to be valid by  
6 the debt collector; (4) a statement that if the consumer notifies  
7 the debt collector in writing within the thirty-day period that the  
8 debt, or any portion thereof, is disputed, the debt collector will  
9 obtain verification of the debt or a copy of a judgment against  
10 the consumer and a copy of such verification or judgment will  
11 be mailed to the consumer by the debt collector; and (5) a  
12 statement that, upon the consumer's written request within the  
13 thirty-day period, the debt collector will provide the consumer  
14 with the name and address of the original creditor, if different  
15 from the current creditor.

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20 b. Here, Defendant violated § 1692g of the FDCPA by failing to  
21 send written notification, within five (5) days after its initial  
22 communication with Plaintiff, advising Plaintiff of her rights to  
23 dispute the debt or request verification of the debt or providing  
24 her with the name of the original creditor and the amount of the  
25

debt.

WHEREFORE, Plaintiff, CHERYL WILLIAMS, respectfully prays for a judgment as follows:

- a. All actual damages suffered pursuant to 15 U.S.C. §1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. §1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, CHERYL WILLIAMS, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

Date: 10/30/2015

By: /s/ Craig Thor Kimmel  
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